

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case Number: 09-20295

v.

HON. MARIANNE O. BATTANI

SAMUEL RIDDLE, JR., and MARY
WATERS,

Defendants.

/

ORDER DENYING DEFENDANT MARY WATERS' MOTION TO WITHDRAW PLEA

This matter is before the Court on Defendant Mary Waters' Motion to Withdraw Plea (Doc. No. 113). Waters also asked the Court to set a hearing on her request.

Rule 11 of the Federal Rules of Criminal Procedure governs pleas. Rule 11(e) reads, "After the court imposes sentence, the defendant may not withdraw a plea of guilty. . .and the plea may be set aside only on direct appeal or collateral attack." FED. R. CRIM. P. 11(e).

Waters pleaded guilty to filing a fraudulent tax return on May 20, 2010, pursuant to a Rule 11 Plea Agreement. On October 6, 2010, the Court sentenced her to a one-year term of probation. The Judgment was filed October 7, 2010. Given the clear language of Rule 11(e), and the fact that this Court already had sentenced Waters when this motion was filed, the Court **DENIES** Waters' motion.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

Dated: October 20, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served upon counsel of record and Mary Waters on this date by ordinary mail and electronic filing.

s/Bernadette M. Thebolt
Case Manager